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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,682	06/20/2003	Don R. Burns	LA-5336-111US/10305919	6735

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FULBRIGHT AND JAWORSKI L L P
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EXAMINER

MORRISON, NASCHICA SANDERS

ART UNIT PAPER NUMBER

3632

DATE MAILED: 06/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/600,682

Applicant(s)

BURNS, DON R.

Examiner

Naschica S Morrison

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>90203</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the first Office Action for serial number 10/600,682, System for Mounting a Flat Panel Display, filed on June 20, 2003. Claims 1-28 are pending.

Specification

The disclosure is objected to because of the following informalities: on line 3 of paragraph [0024], delete "the" after "affixed". Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-28 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 3,433,444 to Smith. Regarding claims 1-28, Smith discloses a mounting system (Fig. 1) comprising: a mounting plate (10) including a radial first portion (bottom surface of 10 adjacent 12) having an elevated shoulder (stepped portion of 10 shown in Fig. 3) and a second surface portion (top surface of 10 adjacent 16) having two mounting holes (adjacent 14 generally); an articulating support arm (21, 30) including a first arm segment (21) rotatably affixed to a second arm segment (30) at a first joint (32 generally), an outward extending radial flange (18, 20) at a first end and a cylindrical portion (30 generally), wherein the first joint is adapted to provide adjustable resistance

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to rotation between the first and second arm segments (col. 1, lines 18-21); a cover (23, 24, 12) including a central aperture, a first spacer (12) abutting the first portion of the mounting plate, an annular spacer (23) disposed about the cylindrical portion of the support arm adjacent the radial flange (18, 20); the cover being affixed to the mounting plate (10) with the first spacer (12), the radial flange (18, 20), and the annular spacer (23) disposed therebetween and with a second end (44 generally) of the support arm extending through the central aperture; and a bracket (52) rotatably affixed to the second end of the support arm; wherein the bracket is adapted to maintain a chosen orientation relative to the support arm under load; wherein the support arm (21, 30) is rotatable relative to the mounting plate about an axis defined by the radial flange (18, 20); and wherein the mounting plate and cover are adapted to exert adjustable axial pressure on the radial flange (18, 20).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: 1476758 to Hodny; 2621882 to Fletcher; 3096061 to Bertell; 3889908 to Larson; 4159092 to DeLano; 5071279 to Rutstrom; 5092552 to Dayton et al; 5845885 to Carnevali; 6367756 to Wang

The above references disclose mounting devices relevant to the present invention.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Naschica S. Morrison, whose telephone number is (703)

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305-0228. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Leslie Braun can be reached at 703-308-2156. The fax machine telephone number for the Technology Center is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this Application should be directed to the Technology Center receptionist at (703) 306-1113.



Naschica S. Morrison

Patent Examiner

Art Unit 3632

6/25/04



Korie Chan

Primary Examiner

Art Unit 3632